



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

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Regular Session Minutes

July 17, 2009

Board Members Present: Rebecca Grabski, OTA Vice-Chair
Kathryn Babits, OTR Member
John Tutelman, Public Representative
Deborah Devine, Public Representative

Board Member Not Present: Geri DeWaard, OTR, Chair

Staff Present: Vicki Egurrola, Administrative Assistant
Wendy H. Hammon Executive Director

Legal Representative: Montgomery Lee, Assistant Attorney General

Call to Order

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:31p.m. Rebecca Grabski, Vice Chair presiding.

Roll Call

All Board members were present.

Approval of Minutes

Regular Session Minutes of June 5, 2009

John Tutelman moved to approve the minutes as amended. Kathryn Babits seconded the motion. The motion passed 4-0.

Regular Session Minutes of June 26, 2009

Kathryn Babits moved to approve the minutes of June 26, 2009. Rebecca Grabski seconded the motion. The motion passed 4-0.

Executive Session Minutes of June 26, 2009

Kathryn Babits moved to approve the executive session minutes of June 26, 2009. John Tutelman seconded the motion. The motion passed 4-0.

Declaration of Conflicts

No declarations were made.

Review Meeting Schedule

There were no changes made to the meeting schedule.

Initial Review of Complaints

Kelly Silberschlag – Board staff provided an overview of the complaint filed against Ms. Silberschlag and the Board conducted a brief discussion of the facts. At the conclusion of the discussion Ms. Devine moved that the complaint be dismissed due to the fact that the information contained in the complaint was not covered by the Board's statutes and rules. Mr. Tutelman seconded the motion. The motion passed 4-0.

Darryl Ramsey – Board staff were contacted by an outside employer asking whether Mr. Ramsey's license was in jeopardy since they had done a background check and received a negative report. Staff pulled Mr. Ramsey's file and found no evidence that a fingerprint card or check had ever been done. Staff reported that there are many files in this situation. This is most likely due to the timing of the change to the statutes that required fingerprinting. Board staff most likely did not realize that the fingerprinting statutes included renewals, reinstatement and limited permits. Therefore, these individuals have never been fingerprinted. At the time of the filing of his applications, he did answer the questions correctly. The most recent application was filed prior to his arrest so that application is technically correct. He is in violation of the 10 day notification law. Staff recommended that Mr. Ramsey be requested to submit fingerprints to confirm what the Board was being told. The Board directed staff to send a letter advising Mr. Ramsey of the need for notification to the Board and requesting that he submit a set of fingerprints.

Open Complaints

Teresa Karjalainen -The Board was reminded by staff that Ms. Karjalainen is scheduled to appear before the Board at the August 14, 2009 Board meeting.

Shane Johnson – Mr. Johnson appeared before the Board to provide information. Board staff provided a summary stating that Mr. Johnson gave notice to the Board that he had been arrested for a DUI. Looking back through his applications revealed past DUIs as well. This created a concern for the Board. Mr. Johnson advised the Board that some of the incidences were a product of a lack of maturity and others were a carryover in thinking that such behavior was OK. Mr. Johnson stated that this was not an excuse and he realized that at his last conviction he had a problem. At 2:01 p.m. Mr. Tutelman moved for the Board to go into Executive Session to seek legal advice. The motion was seconded by Ms. Devine. The motion passed 4-0. The Board resumed the public session at 2:10 p.m. The Board explained to Mr. Johnson that there is not an open complaint however, there is a statute requiring that an individual notify the Board when an arrest occurs. The Board encouraged Mr. Johnson to continue attending AA meetings on his own accord and fax documentation of his attendance to the Board office. The Board will review this matter in a year. In response to a question from Mr. Johnson the Board explained that complaints can come from two sources. The Board can open a complaint and the public can file a complaint.

Matthew Strang – Board staff advised the Board that Mr. Strang's consent agreement had been sent and was returned to the office as undeliverable. Staff have contacted Mr. Strang and resent the agreement. Mr. Strang assured staff that he would pick up the order.

Staff advised the Board that they send reminders on a quarterly basis to individuals under orders for the Athletic Training Board and asked if the Occupational Therapy Examiners Board would like staff to do the same for the Occupational Therapy Examiners Board. It was decided that this would be a good thing to do. Staff will begin with the next quarter.

Laura Vigil – Board staff reported that Ms. Vigil had completed the requirements set out in her consent agreement and recommended that the Board consider closing this case. Ms. Devine moved to close the file and Ms. Babits seconded the motion. The motion passed 4-0.

Shannon Brown – Board staff advised the Board that Ms. Brown has not submitted anything required by her consent agreement.

Cari Cooke – Board staff advised the Board that Ms. Cooke has complied with the terms of her consent agreement and recommended that the file be closed. Ms. Devine moved to close the file. The motion was seconded by Ms. Babits and passed 4-0.

Substantive Review, Discussion, and Vote Re: Applications for Licenses as Follows:

a. Initial Application

There was a request to be heard by the Board from Mr. Estrada. Mr. Estrada explained the circumstances of his arrest and assured the Board this was during his youth and assured the Board there would be no further occurrences. Mr. Estrada was not initially cleared by DPS but appealed and has since received his clearance card. Mr. Tutelman moved to approve Mr. Estrada's application. The motions were seconded by Ms. Devine. The motion passed 4-0.

The Board then discussed Mr. Salazar's application which included an arrest for failure to appear. Board staff contacted Mr. Salazar after receiving the results for his fingerprints. Mr. Salazar was unaware of the charges against him and explained that while he was in the Navy his brother used his name. After further discussion Mr. Tutelman moved to approve his license. The motion was seconded by Ms. Grabski and passed 4-0.

Ms. Devine moved to approve the remainder of the initial applications. Ms. Babits seconded the motion. The motion passed 4-0.

Jana Cadwell	Erik Carlson	Carla Cenatiempo	Lisa Cleveland
Gilbert Estrada	Linda Fulton	Michelle Grode	Katie Helmeid

Jacquelyn Kinavey	Jessica Kopesky	Lindsey Larsen	Sherrie Lavelle
Suzanne may	Jessica Medina	Mary Meldrim	Judith Melvin
Wendy Nivison	Lisa Piedimonte	Carrie Powers	Kristy Rocke
Phyllis Rooker	Mauricio Salazar	Dawn Scofield	Shelley Sedwick
Jane Steffen	Susan Tallman	Amy Teitt	Doris Westerdahl
Tricia White	Sarah Wollheim		

b. Renewal of Licenses

Lynda Correa - The Board reviewed the renewal application of Ms. Correa and discussed the issue of her continuing to work on an expired license. Ms. Correa was present to answer questions.

Following discussion Ms. Devine moved to approve the renewal application of Ms. Correa. Mr. Tutelman seconded the motion, and the motion passed 4-0.

Mr. Tutelman moved to open a complaint against Ms. Correa based on A.R.S. § 32-3401. Z. Ms. Babits seconded the motion. The motion passed 4-0.

Mr. Tutelman moved to offer a consent agreement for a decree of censure to Ms. Correa for practicing without a current license. Within 30 days of the effective date Ms. Correa shall provide proof to the Board that all clients treated as well as the insurance carriers have been notified that she had provided Occupational Therapy services without a current license. Ms. Devine seconded the motion. The motion passed 4-0.

John Tutelman moved to approve the balance of the renewals. Ms. Devine seconded the motion, and the motion passed 4-0.

Helenann Adams	Delphine Alexander	Angela Anzelmo	Amy Armstrong
Christine Banas	Kristina Berry	Heidi Bonaroti	Emily Bosman
Jay Brashear	Susan Brown	Karina Budd	Amanda Cage
Pamela Calvillo	Kimberly Carpenter	Lynda Correa	George Culbertson
Bonita Dalton	Patricia Daniels	April Darley	Toni-Maree Davie
Sally-Ann Defriez	Kimberly Enriquez	Kathy Ensign	Katrina Escalada-Westla
Judith Evans	Trina Feliciano	Melanie Ford	Sara Foss
Deena Gauharou	Kristine Giles	Judith Gilman	Dierdre Good
Leigh Goodman	Mary Greer	Julia Grover	Heidi Gummel
Deborah Gyorffy	TeAnna Hall	Caroline Holloway	B. Noelani Hong
Dana Hutchings	Diane Johnson	Rita Johnson-Aronna	Cameron Judge
Wanda Kasel	Quinchel Kent	Jackton Khausi	Sonya Klune
Alicia Koorndyk	Kristin Krichbaum	Cynthia Lane	Andrea Larsen
Mariana Livingston	Deborah Lucero	Joshua Macdonald	Gail Magdalena
Linda Martin	Shawn Mcgoogan	Kinga Miranda	Christina Mulhall
Dorothy Negrete	Julie Nelson	Angela Norcella	Frank Olaje
Jeanette Peiffer	Cheryl Platt	Carolyn Piemons	Marie Poonawals

Lorraine Pratt	Marissa-Vil Rama	Laurel Richardson	Amie Richter
Chantal Salazar	Robert Schmitt	Kathy Schulte	Deborah Sellers
Chau-Tam Sisterman	Christopher Smith	Laura Smith	Dorian Snyder- Stonebra
Lynnette Stead	Pamela Suma	Kristin Tancil	Julie Thacker
Judith Thomas	Barbara Thomson	Linda Thornton	Anthony Tillman
Esther Toney	Karen Urbanski	Jori Vancamp	Lana Vaughn
Louis Way	Elaina Wendt	Lori White	Sarah Whitney
Colleen Wollenberg	Janis Wright	Catherine Young	Caroline Zanolin

c. Limited Permits

Ms. Babits moved to approve the following limited permit applicant listed. Ms. Devine seconded the motion, and the motion passed 4-0.

Brianna Gillies	Stephanie Olson	Shayna Weir	
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Other Board Business and Reports

a. Board Member pictures on the website

The Board discussed having their pictures and bios put on the website. It was determined that each Board Member would decide whether or not they wanted their picture on the site. Additionally, there was a brief discussion of what should be included in the bio information. Again, it was determined that each Board Member would decide if they wanted anything on the site and if so what would be included. The Board asked about their appointments and the Executive Director updated them with the information obtained at the Governor's Executive Director Meeting. This included that approximately 100 recommendations for various boards have been made to the Governor but actual appointments are slow in coming due to the budget. The Board decided to use short bios for the time being since their appointments have technically expired.

b. Executive Director Position

At 3:04 p.m., Ms. Grabski moved to go into executive session to get clarification from legal counsel regarding the executive director position and request that staff not be present. Ms. Babits seconded the motion. The motion passed 4-0.

The Board returned to public session at 3:10 p.m.

The Board reviewed the duties of the executive director. Staff confirmed that the position was approved as a full time position. A question was raised as to when the current executive director could go from part time to full time. Legal Counsel stated that he would check with ADOA when a retiree can go to full time from part time. The Board asked that this be continued to next month's agenda.

The Board acknowledged that new members really don't know about the office staff and their responsibilities. The Executive Director suggested that the office begin to work on standard operating procedures or desk procedures and also work on a new board member packet. The Board agreed that this would be helpful.

The Board asked and received answers to several questions. Additionally, the Board wanted to clarify the December hiring meeting. The question was whether the hire was a temporary hire or permanent hire.

A question was raised regarding communication with the Board and whether or not it is appropriate to correspond only with the Chair. The Executive Director explained that items sent to the Chair are done so to get guidance as to how to proceed and whether the item needs to go to the Board. Mr. Tutelman pointed out that the Board cannot take action on items in any other format than the open meeting. The Executive Director confirmed that communications with the Chair are not done with the intent of excluding the rest of the Board but purely for guidance and determination as to whether the item should go to the Board.

Ms. Grabski returned to the topic of the appointment of the current Executive Director and stated that she was under the impression that the appointment was temporary. Mr. Tutelman, who made the motion for the appointment, clarified his motion that the current Executive Director be hired temporarily until she could become full time. Ms. Devine also stated that this was her understanding. Ms. Babits concurred. Mr. Tutelman stated that it was academic since the person works at the pleasure of the Board. The Executive Director stated that her understanding was that she would be part time until she could go full time assuming that the Board felt they needed someone full time. The Board determined that this item should be included on the August meeting agenda.

c. Pay adjustment – administrative assistant.

The Board discussed the possibility of providing a pay adjustment for the administrative assistant. The Executive Director confirmed that the administrative assistant, due to a salary schedule adjustment, was no longer at the top of the scale. Mr. Tutelman moved to grant a pay raise to the top of the scale for the administrative assistant. Ms. Babits seconded the motion and it passed 4-0.

Review, discussion and Possible Action on Administrative Matters

a. Revenue and expenditure report

The Board reviewed and discussed the revenue and expenditure report. Since it is the beginning of the new fiscal year, not many expenditures have appeared at this time.

b. Administrative Project Status Report

The Board reviewed and discussed the Administrative Status Report

Office Space – The Executive Director reported that the search for office space is underway. She reported that she is trying to set up a visit to one site that looks

promising. Concerns to be addressed include – the office space itself, the condition of the bathrooms, and adequate parking. She will report back to the Board and will set up a visit if the Board wishes to do so.

Lawsuit – The Executive Director advised the Board that there is a class action lawsuit alleging overcharging for Microsoft Windows. It will be some time coming but there may be a refund if the suit is successful. The Board, by virtue of being a governmental entity, is included in the suit.

ArizOTA Annual Conference – The Executive Director advised the Board that the office had received notice of the conference should any of them be interested.

Legislation – The Executive Director reported on several pieces of legislation that could impact the Board.

HB 2645 was vetoed but will be resubmitted and if successful should result in the rule making process being simplified.

HB 2401 – establishes the Administrative Rules Oversight Committee which is another place concerned citizens can go for assistance if they have concerns about rules. This committee does not replace GRRC and cannot overturn decisions made by GRRC.

HB 2306 – changes the requirement to submit proof of citizenship with each renewal. However, legal counsel stated that the statute cited may not relate and his office is looking at the bill. The Executive Director reported that the bill does not become law until October therefore there is time to sort it out.

Risk Management – The Executive Director reported that while searching for some unrelated documents she came across what appears to be proof that the claim for the stolen money was filed timely. Therefore, the matter has reopened with the ADOA, Risk Management Office. She will update the Board as information becomes available.

Board Members – The Executive Director had the opportunity to talk to the head of the Governor's Office of Boards and Commissions at a recent meeting and learned that approximately 100 recommended board members for various boards have been submitted to the Governor. Although she was not able to state specifically, she believes that at least one is for the OT Board. However, budget issues are still a priority so it may be awhile before actual appointments are made.

Correspondence – Governor's Office – It had previously been reported that the moratorium on rule making has again been extended. The Executive Director attended the monthly meeting of Executive Directors and the Governor's Office and learned that this may continue to be extended for up to a year. Staff will continue to track this issue.

c. Agency Operations and Staffing

Vicki Egurrola reported to the Board that at this time there are no issues to discuss, and that everything is running fine in the office.

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Call to the Public

A call for public comment was issued by the Board with no response.

Adjournment

There being no further business before the Board, the meeting was adjourned at 4:31 p.m.

Respectfully submitted,

Wendy H. Hammon
Executive Director